

UNITED STATES OF AMERICA)
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 v.)
)
 DEWAYNE CORNELIUS MELVIN,)
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 Defendant.)

Alternatively, even if the court has discretion to reduce Melvin's sentence, the court would decline to do so. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v.

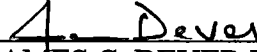
Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Melvin's sentence, the court finds that Melvin engaged in serious criminal behavior. See PSR ¶¶ 6–9. Moreover, Melvin is a violent recidivist, with convictions for possession of cocaine, possession with intent to manufacture, sell, and deliver marijuana (2 counts), maintaining a vehicle for keeping controlled substances, possession of a weapon on school grounds, resisting and obstructing a police officer, possession with the intent to manufacture, sell, and deliver heroin, possession with the intent to manufacture, sell, and deliver cocaine, malicious wounding with a firearm (3 counts) and wanton endangerment, conspiracy to possess with the intent to distribute and to distribute cocaine base (crack), cocaine powder, heroin, and marijuana, and using or carrying of a firearm during and in relation to a drug-trafficking crime and aiding and abetting. See id. ¶¶ 14–20. Melvin also has performed poorly on supervision and has a spotty work history. See id. ¶¶ 14–16, 20, 33–35.

Having reviewed the entire record and all relevant policy statements, the court finds that Melvin received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Melvin's sentence would threaten public safety in light of his serious criminal conduct and criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Melvin's motion for reduction of sentence under Amendment 782. See, e.g., Patterson, 671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536

F. App'x at 321.

In sum, the court DENIES Melvin's motion for reduction of sentence [D.E. 53].

SO ORDERED. This 18 day of September 2017.



JAMES C. DEVER III
Chief United States District Judge